IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1411 of 2006

Mr.Thomas J. Pooppally Petitioner
Vs.
Automobile Products of India Ltd. Respondent

Mr.Rahul P. Walwekar for petitioner.

CORAM: B.H.MARLAPALLE,J.

August 16, 2006.

P.C.

. Heard Mr.Walwekar, the learned counsel for the petitioner who is aggrieved by the award passed by the 3rd Labour Court at Thane in Reference (IDA) No.53 of 2002 whereby and whereunder the said reference came to be rejected. The petitioner had joined the employment of the respondent - company in February 1960 and was subsequently promoted as a Clerk. On 1/4/1977 he came to be redesignated as a Supervisor but continued to perform the clerical duties. He was further redesignated as Asst. Legal Officer w.e.f. 1/12/1983 but as per him the nature of his duties did not change and he continued to discharge the clerical duties.

. The respondent-company declared a voluntary retirement scheme on or about 14/10/1986 and the

petitioner applied for the same. His application was accepted on his request for being relieved in November 1986 and accordingly his legal dues were paid to him on 29/11/1986. The company declared a revised voluntary retirement scheme on 5/1/1987 and the benefits offered in this revised scheme were higher than the benefits offered in the earlier scheme dated 14/10/1986. The petitioner, therefore, submitted a representation on 15/1/1987 requesting to extend him the benefits of the revised scheme dated 5/1/1987. There was no response from the respondent - management and, therefore, he raised a demand for reinstatement on the ground that he was illegally removed from service by accepting his application for voluntary retirement under the scheme dated 14/10/1986 which scheme was not applicable to him. He claimed that the said applicable was applicable only to the unionised staff and he was induced by the management and/or coerced / threatened to accept the said scheme.

. The Labour Court considered the evidence placed before it by both the parties and noted that the petitioner himself had submitted his application dated 26/11/1986 (Exh.11) in which he clearly

indicated that his application for voluntary retirement be accepted and he be relieved from November 1986 itself. The company by its order dated 29/11/1986 had accepted the voluntary retirement application submitted by the petitioner. It was also noted that the petitioner had acquired the qualifications of LL.M. and he had requested the company to give him a proper designation. Consequently his designation of Supervisor was changed to the Asst. Legal Officer and as per the petitioner himself this change in designation either as a Supervisor or Asst. Legal Officer did not change the nature of his duties i.e. clerical. Under these circumstances, the Labour Court held that the petitioner being a "workman" as defined under the Industrial Disputes Act, 1947, he was very much covered by the first scheme dated 14/10/1986 and there was no inducement, coercion or threat by the management to respond to the said voluntary retirement scheme. The claim made by the petitioner that he was illegally removed from service was, therefore, rejected by the Labour Court. The contentions of the petitioner that he was willing to return the money that he had received to the respondent was also turned down.

. The view taken by the Labour Court cannot be termed as perverse or palpably erroneous so as to call for interference in the supervisory jurisdiction of this Court under Article 227 of the Constitution.

. Hence the petition is rejected summarily.

(B.H.MARLAPALLE,J.)